

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN ALASKA ENVIRONMENTAL
COUNCIL, et al.,

Plaintiffs,

v.

DEBRA HAALAND, et al.,

Defendants,

and

AMBLER METALS, LLC, et al.,

Intervenor-Defendants

Case No.: 3:20-cv-0187-SLG

ALATNA VILLAGE COUNCIL, et al.,

Plaintiffs,

v.

THOMAS HEINLEIN, et al.,

Defendants,

and

AMBLER METALS, LLC, et al.,

Intervenor-Defendants.

Case No. 3:20-cv-0254-SLG

DECLARATION OF COMMISSIONER DOUGLAS VINCENT-LANG

I, Douglas Vincent-Lang, declare as follows:

1. I am over 18 years of age and I am competent to testify from my first-hand knowledge as the matters set forth in this Declaration.
2. I am a citizen of the United States and reside in Anchorage, Alaska.
3. I am the current Commissioner of the Alaska Department of Fish and Game (“ADF&G”).
4. I have reviewed the United States’ Motion for Voluntary Remand in the above-referenced cases and its supporting Declaration of Deputy Secretary of the Department of the Interior Tommy Beaudreau.
5. I submit this declaration in support of the State of Alaska’s Response to the United States’ Motion for Voluntary Remand and in response to Deputy Secretary Beaudreau’s declaration.
6. I hold a B.S. degree in Biology/Population dynamics from the University of Wisconsin-Green Bay and an M.S. degree in Biological Oceanography from the University of Alaska Fairbanks.
7. I was appointed Commissioner of the Alaska Department of Fish and Game in December 2018 and subsequently legislatively confirmed in March 2019. I previously served as Director of the ADF&G Division of Wildlife Conservation from 2012 through 2014. Prior to serving as Director, I was the Endangered Species Act (“ESA”) Coordinator for the State of Alaska, serving in that capacity since September 2007. I also chaired the North Slope Science Initiative and was the vice chair for the Arctic Landscape Conservation Cooperative. Previously, I worked for the ADF&G Division of Sport Fish for 28 years as a research and management biologist and Assistant Director.

8. I represented the then-Commissioner of ADF&G on the Governor's Climate Change Sub-cabinet, which was tasked with developing a climate change strategy for Alaska, and on the Governor's Oceans Sub-cabinet. I also served as the Commissioner's alternate on a natural resources sub-cabinet, which was tasked with coordination of natural resource (land and water resources) issues. I have led ADF&G work on arctic and marine policy issues. I chaired a think-tank of Department scientists that developed a climate change adaptation strategy for fish and wildlife and their consumptive and non-consumptive uses, including commercial, recreational, and personal use, subsistence fishing and hunting, and wildlife viewing activities.

9. As the Commissioner of ADF&G I am responsible, under Alaska Statute 16.05.020, to "*manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state*". I am also granted the necessary power to accomplish the foregoing. I use this authority to manage the state's fish and game resources for their sustained yield as prescribed in Article 8 – Natural Resources; § 4. Sustained yield – "*Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial use*" (emphasis added).

10. I am granted emergency order and regulatory authority under Alaska Statute 16.05.060 to open or close seasons or areas or to change weekly closed periods to ensure for sustained yield. I am also granted authority under Alaska Statute 16.05.871 to

permit any activity potentially impacting a waterbody that is important to the spawning, rearing, or migration of anadromous fish.

11. Based on my present position, my employment experience, my training, and my personal knowledge, I am familiar with the effects of Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), and Alaska National Interest Lands Claims Act (ANILCA) and other environmental statutes on Alaska's sovereign interests, activities, wildlife, habitat, and land and natural resource management interests, including effects on the following: (a) Alaska's management of its wildlife resources and the land, water, and other habitat for those resources; (b) Alaska's wildlife research and information gathering and dissemination activities for a number of species; (c) Alaska's interests in Native subsistence harvest and management; (d) Alaska's management of its State lands and waters and natural resource programs; (e) land management and planning and human/wildlife interactions in Alaska's municipalities, which are political subdivisions of the State; (f) Alaska's community development interests; and (g) Alaska's economy and associated economic factors and interests that may be affected by natural resource allocation and management decisions.

12. With respect to the environmental review for the Ambler Road there was sufficient discussion of potential impacts on caribou forage vegetation and any adverse impacts on subsistence uses. All the salient points were raised and discussed during the ANILCA Section 810 review and in the environmental impact statement. Regarding water impacts on fisheries, they too were identified and raised during the planning and review process.

13. The Department of Interior has asserted that claims have been raised that new information regarding caribou, in particular the Western Arctic caribou herd (WAH), has become available that was not considered as part of the environmental documentation and review of this proposed project. This “new” information does not raise to the level of significance that would require a supplemental environmental review.

14. Although caribou numbers have declined year-over-year, caribou herd numbers are cyclical, and ADF&G monitoring reveals that the current population is within the historic variability for this herd.

15. As a result, the current caribou herd numbers are still providing for a harvestable surplus that is within the range for the amounts reasonably necessary for subsistence (ANS) as adopted by the Alaska Board of Game. Indeed, despite the recent year-over-year decline, the daily bag limit remains at 5 caribou for residents across the range of this herd.

16. ADF&G also has experience in managing caribou populations that occur within the vicinities of roads. For example, the Richardson, Glenn and Alaska Highways all exist within the range of the Nelchina caribou herd. Despite this herd’s proximity to roads and major human population centers, ADF&G is able to manage it successfully for sustainability and subsistence uses. Indeed, the road systems crisscrossing the Nelchina caribou herd’s range have significantly more traffic than would occur along the proposed one-lane, limited access road, yet this herd’s population remains robust. I am confident that ADF&G will be able to manage for sustainability of the Western Alaska caribou herd

based on ADF&G's experience in managing other caribou herds that occur within the vicinity of roads.

17. Finally, management action is defined to ensure this important population is sustained under the Western Arctic Caribou Herd Cooperative Management Plan.

18. As such, there is no new information that would require suspension of permitting or additional environmental or subsistence analyses to address any perceived decline in caribou populations as it relates to subsistence uses.

19. Regarding salmon, it is alleged that recent closures of subsistence salmon fishing in the Yukon River represent new information. The yearly variation of salmon is not a new phenomenon, and was accounted for in the ANILCA Section 810 evaluation and the environmental impact statement. As it has in the past ADF&G protects against these variable returns by adjusting harvest rates on an as needed basis. This is demonstrated by the Department closures of subsistence salmon fishing in the Yukon River in the recent past.

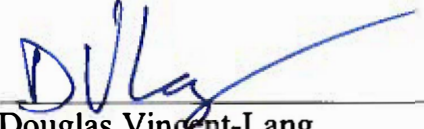
20. Regardless, there is no evidence that the recent decline in salmon numbers was due to reduced freshwater survivals. Rather, the recent decline appears to be the result of a variety of marine factors that combine to reduce marine survival.

21. The marine factors are not implicated by terrestrial projects such as the proposed Ambler Road. Potential impacts to fresh waterbodies important to salmon propagation and survival that may result from the construction of the Road will be addressed using my aforementioned permitting authority.

22. As such, there is no new information that would require suspension of permitting or additional environmental or subsistence analyses to address any perceived decline in salmon populations as it relates to subsistence uses.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of March 2022, at Anchorage, Alaska.



Douglas Vincent-Lang
Commissioner
Alaska Department of Fish and Game